

## Notice of Allowability

Application No.

10/719,359

Examiner

Evelyn Huang

Applicant(s)

BOSCHELLI ET AL.

Art Unit

1625

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to response filed on 9-21-2004.
  2. ☒ The allowed claim(s) is/are 1-19, 21, 38-44, 53-55.
  3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
  4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

***EXAMINER'S AMENDMENT***

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Goudie on 12-9-2004.

During the interview, the examiner rejoined the process claims 19, 21, 55, suggested deleting the non-elected claims 20, 22-37, 45-52, 56, and amending claims 1, 11, 12, 14-19, 38, 42, 44, 54 to better define the claims to place the application in conditions for allowance.

The application has been amended as follows:

- a. Claim 1, line 1, replace 'Formula (1a) and Formula (1b)' with -- Formula (1a) or Formula (1b) --.
- b. Claim 11, replace 'consisting of one of the following:' with -- selected from the group consisting of : --.
- c. Claim 13,
  - Replace 'Formula (1a) and Formula (1b)' with -- Formula (1a) or Formula (1b) --.
  - Definition of Q, replace 'and may be H' with -- and are H or --.
- d. Claim 14, replace 'consisting of one of the following:' with -- selected from the group consisting of : --.
- e. Claim 15, line 1, replace 'Formula (1a) and Formula (1b)' with -- Formula (1a) or Formula (1b) --.
- f. Claim 16, replace 'consisting of one of the following:' with -- selected from the group consisting of : --.
- g. Claim 17, line 1, delete 'comprising a compound.'

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- h. Claim 18, replace 'consisting of one of the following:' with -- selected from the group consisting of : --.
- i. Claim 19, line 1, replace 'Formula (1a) and Formula (1b)' with -- Formula (1a) or Formula (1b) --.
- j. Cancel claims 22-37.
- k. Claim 38, replace 'Formula (1a) and Formula (1b)' with -- Formula (1a) or Formula (1b) of claim 1 --.
- l. Claim 42, replace 'according to claim 41consisting of one of the following:' with -- according to claim 38 wherein the compound is selected from the group consisting of : --.
- m. Claim 44, line 2, replace 'A compound consisting one of the following' with -- wherein the compound is selected from the group consisting of : --.
- n. Cancel claims 45-52.
- o. Claim 54,
  - o Line 1, replace 'A compound according to claim 53' with -- A composition according to claim 53 wherein the compound is --.
  - o Between the last two compounds, insert -- and -- .
  - o After the last compound, replace the semicolon with a period.
  - o Last line, delete 'and a pharmaceutically acceptable carrier.'
- p. Cancel claim 56.

### ***REASONS FOR ALLOWANCE***

2. The following is an examiner's statement of reasons for allowance:

Claims 1-19, 21, 38-44, 53-55 are allowed.

The rejection for Claims 14, 16, 17, 42, 44, 53, 54 under 35 U.S.C. 112, second paragraph, is withdrawn because the amendment has obviated the rejection.

The objection for Claim 44 as being a substantial duplicate of claim 42 is obviated by amending claim 42 to the composition comprising compounds different from those of claim 42.

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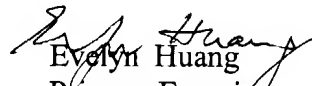
The rejection for Claims 1-3, 6-10, 12, 15, 38-40, 53 under 35 U.S.C. 103(a) as being unpatentable over Munchhof (6492383) in view of Luzzio (US 2002/00004511) is withdrawn upon reconsideration in view of Applicant's Remarks. The instant has a cyano on the thienopyridine. Munchhof only teaches hydrogen on the thienopyridine. Luzzio teaches that hydrogen and cyano are optional choices (page 1, [0010], definition of X) in a separate thienopyridine compound. Furthermore, all the examples of Luzzio are drawn to hydrogen as the substituent, thereby teaching away from the instant cyano substituted thienopyridine.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evelyn Huang whose telephone number is 571-272-0686. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached on 571-272-0562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Evelyn Huang  
Primary Examiner  
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